Sectt. II-27—23,000—24-12-[illegible]

Development (1933) Department.

SERIES.

G.O. No. 503

DATED 20 4 33

Put in file SC

[Despatch Abstract.]

Forest Reservation – South Kanara —

Medinadka West Reserved Forest —

portion disreserved vi G.O. No. 161

Rev. d 4 2 33 Section 4

proviso — published

Scott. 11-74—20,000—18-12-80

Department.

C. No.

List of records put up.

Number.	Date	Department.	Signature of Clerk putting up the paper.	Signature of Clerk removing the paper.
Go Dev. 161	4-2-32			
Rev 564	17-2-31			
Leg Letter No 1643	24-1-31			
Rev. No 2446	23-12-30			
Rev Go 2067 Pen	9-10-29			
Go 1040 T (Rev	23-9-29			
Go 318 I	14-7-25			
899 Rev	26-3-1917			
Pen 31 Rev	7-1-30			

Dev. 1382-I
8-6-32

C.F. 31

DEVELOPMENT **DEPARTMENT.**

CURRENT No. Rev 12

Received ..... 19 *Registered* 15 19

Subject. B1 K 196

TANKS – (South Kanara) – Puttur Taluk – Ajjavar Village – S.Nos.173/1B and 290/1 – Transfer to the Village Panchayat – Recommended.

ENCLOSURES.
No.
Spare copies

Endt. H. No 201/32.

Station Madras, *Dated the* 2nd June 1932. 19

From

A. R. MacEwen, Esq., M.C., I.C.S.,
Secretary, ~~The Board of Revenue,~~ Land Revenue and Revenue Settlement, etc. ~~Separate Revenue.~~

C. A. Souter, Esq., I.C.S.,
Commissioner of Land Revenue and Settlement.

~~Resolution~~ ~~Reference.~~ Read the following:-

I.

Letter from Khan Bahadur J. Hussain Sahib Bahadur, Bar-at-Law, Collector of South Kanara, Ref.C. No.549/32-A.6, dated the 10th May 1932.

Dev 2 1382 I 14-6-32

Government Memorandum No.2948-1/31-2, Development Department, dated the 9th January 1932.

The site of the disreserved tank has been separately sub-divided and marked as S.Nos.173/1B and 290/1. These were taken possession of from the Forest Department on 7th April 1932. Though the area of the disreserved portion was 1.20 acres according to the Forest Department, the Tahsildar reports that it actually measures 1.10 acres

on the ground.

2. The President of the Panchayat states that the intention of the Panchayat in applying for the transfer of control is to provide drinking water for the cattle coming to graze in the Medinadka West Reserve from Ajjavar Village and to supply water for the cultivation of S.No.178 of Ajjavar held by one Pachu. The panchayat is willing to abide by the following conditions, but requests that the tree-growth on the plots amounting to Rs.51-1-0 may be auctioned.

(1) S.Nos.173/1[P] - 0.25 and 290/1 - 0.85 acres of Ajjavar village shall be used for the purpose of providing drinking water for the cattle coming to graze in the Medinadka West Reserve from Ajjavar village and also to supply water for the cultivation of S.No.178/1 held by one Pachu, and for no other purposes.

(2) The tank contained in the above S.Nos. shall be repaired for the above said purposes within a year from the date of the grant. The grantee shall maintain the tank in good condition. Such repairs as the Collector may consider necessary from time to time shall be executed by the grantee within such time as the Collector may fix and to his satisfaction. The grant will be cancelled if the tank is not repaired within the period set forth above, or if it is not kept in repair subsequently.

(3) No part of the land shall in any way be built upon, or in any way cultivated or improved without the previous sanction of the Collector.

(4) The Government may resume the land wholly or in part with any buildings or improvements thereon,

P.T.O.

(a) if the land is not used for the specific purpose for which it was granted,

(b) if the conditions on which it was granted cease to be fulfilled, or

(c) if the land is in the opinion of the Government required for a public purpose, or for conducting mining operations.

(5) No fees shall be levied for the use of the water of the tank for the aforesaid purposes.

(6) In the event of the resumption, if there are any improvements on the land, or those constructed in contravention of condition 3, the Government may at their option either

(a) purchase the improvements;

(b) allow the grantee to purchase the land at its value on the date of sale; or

(c) direct the grantee to remove the improvements.

(7) In the event of the resumption of the land with any improvements thereon, no compensation whatever shall be paid by the Government in respect of the improvements constructed in contravention of condition (3).

(8) In the event of the resumption of the land followed by the purchase of the improvements under condition 6(a), or in the event of the acquisition of the land for any other reason, the compensation payable therefor shall in no case exceed the initial cost or the value at the time of resumption or acquisition, whichever shall be less, or any improvements effected on the land by the grantee in accordance with the terms of the grant or under the previous

permission obtained from the Collector under condition (3), as the case may be.

(9) In the event of the grantee refusing to remove the improvements when so directed under condition 6(c), the Government may remove them and realise the cost of removal by the sale of the materials.

(10) In the event of the voluntary relinquishment of the land by the grantee, no compensation shall be payable for any improvements that may have been effected, or other works that may have been executed on the land by the grantee at his cost.

(11) The permission given hereby for the repair of the tank shall be withdrawn at any time, if it is found that the rights of third parties are infringed, and Government will not be responsible for any damage caused in consequence of the grant of permission for the repair of the tank.

(12) The Government reserve the right of assuming control over the tank at any time, if they are satisfied that the Panchayat is not properly managing the tank.

3. In the above circumstances I recommend that the control over the tank in S.Nos.173/1B and 290/1 of Ajjavar village may be transferred to the village Panchayat for the purposes mentioned in paragraph 2 subject to the above conditions. The tree-growth will be auctioned before the Panchayat is actually put into possession of the plots.

4. Eye sketches in duplicate, with a tree valuation statement are enclosed.

ENDORSEMENT:-

ENDORSEMENT:-

Submitted to Government, with reference to their Memorandum No.2948-I/31-2, dated the 9th January 1932.

2. The Board supports the Collector's proposals to hand over the tank (S.Nos.173/1 B and 290/1) to the village panchayat of Ajjavar subject to the twelve conditions proposed and agreed to by the Panchayat and to auction the tree growth on the land before handing over possession.

Secretary.
4.6.32

To

The Secretary to Government, Development Department (with a sketch in duplicate and a tree valuation statement).

T:D.R.2-6-.

(425) of 32) ~~II~~ 5

Revenue Department.

Memo No. 18663/32-1 dated 7.7.32

Tanks - (South Kanara) Puttur taluk - Ajjavar village - S.Nos.173/1 and 290/1 - Transfer to the village panchayat - Proposals.

From the Board of Revenue, L.R & S., Endt.H.201/32 dated 2-6-1932.

.....

In his reference No.10789/D3/31 dated 17-12-31 (a copy of which was sent to the Board with Government Memo No. 2948 I/31-2 Development, dated 9-1-32), the Chief Conservator of Forests stated that the tank in question was constructed by the villagers for irrigation purposes and that if repaired it would "benefit the villagers immensely", i-e., apparently as an irrigation reservoir. But now the panchayat wants the tank mainly as a watering place for cattle; ~~and for supplying water for the irrigation of S.No.178/1 of Ajjavar village.~~

The Board of Revenue is requested to report--

(i) whether the tank is a recognized source of irrigation,

(ii) whether it has any wet

yacut under it,

(iii) whether S.No.178/1 of the village and any other lands have been irrigated from the tank in the past, and if so, for how many years,

(iv) whether any water-cess or other charge has been levied for such irrigation -(See paragraph 3 of G.O.No. 2067, Rev., dated 9-10-1929), and

(9) p.9

(v) whether the owners of the lands irrigated from the tank in the past consent to the tank being handed over to the panchayat.

have given their

in writing

2. If the tank is not a recognized source of irrigation, the Board is requested to report why it should not be handed over merely as a watering ~~source~~ for cattle, no mention being made about irrigation, but ~~retaining~~ with a general clause similar to condition (11) suggested by the Collector protecting all customary rights of irrigation.

para 2 of Secy's note at p. 5 n/f.

p. 4 c/f.

3. If the tank is ~~handed~~ required over merely as a watering ~~source~~ place for cattle,

9 4-14

the Board is requested to state whether any specific order is ~~required~~ necessary and whether the tank will not automatically vest in the panchayat on disreservation (See G.O.No.899, Rev., dated 26-3-1917 and section 126 of the Madras Local Boards Act as amended by Act XI of 1930).

4. As the tank is to be mainly used for providing drinking water for cattle, it may not be desirable to cut down the trees on the land. The Board of Revenue is requested to report whether a suitable condition regarding the use of the trees may not be imposed and the trees allowed to remain on the land.

4.7.32

The Board of Revenue, L.R & S.

5.7.32

11

C.F. 31

Revenue **DEPARTMENT.**

CURRENT No.

Received ..... 19 *Registered* 19

H1 10/1929

Subject.

Tanks– (South Kanara)– Puttur taluk–Ajjavar village– S.Nos. 173/1 and 290/1 – Transfer to the village panchayat– Proposal–Rejection– Recommended.

–

ENCLOSURES.
No. .....
.....
Spare copies .....

Endorsement. No. H 3482/32

Station Madras, *Dated the* 12th Septr., 32 19

From A.R.MacEwen Esq.,M.C.,I.C.S.,
Secretary,
~~The~~ Board of Revenue, Land Revenue and ~~Revenue~~ Settlement, etc. ~~Separate Revenue.~~

~~Resolution~~ ~~Reference.~~

C.A. Souter Esq., I.C.S.,
Commr.of Land Revenue and Settlement.

Read the following:–

Letter from Khan Bahadur J.Hussain,Bar-at-law, Collector of South Kanara, Ref.C.No. 549-32-A6 dated the 30th August 1932:–

Board's reference No.H 3482-32-1,Land Revenue and Sett., dated 14th July 1932.

(1) Para.1 (i) of the memorandum from Government.

The tank is not a recognised source of irrigation.

p 7 ante
H 7-8 ante

Para.1 (ii)

No.

Para.1 (iii)- p 8 CF

The water of the tank is reported to be used only for the first paddy crop grown in S.No. 178/1. The course through which the water from the tank flows to S.No.178/1 is reported to have been in existence for a long time and is said to have been repaired by the owner of S.No. 178/1 two years ago so that water might flow freely to S.No. 178/1. No other land has been irrigated in the past or is being irrigated now.

Para.1 (iv)- p 8 CF

No water cess or any other charge has been levied for irrigating S.No. 178/1.

Para.1 (v)- p 8 CF

The owner of S.No. 178/1 has given her consent in writing to hand over the tank to the Village Panchayat, subject to the condition that she is allowed the customary right to take the water of the tank.

(2) Para. 2 of Government's reference.- p 8 CF

There is no objection to adopting the suggestion contained in this paragraph.

(3) Para. 3 of the Government memorandum.- M.8-9 CF

A copy of G.O.No.899 Revenue, dated 26-3-1917 which was not in my office has since been obtained from the Board. From it, it appears that the tank will automatically vest in the Panchayat on disreservation.

(4) Para.4. of the Government memorandum.- p 9 CF

As the tank is neither a recognised source of irrigation nor very beneficial to the cattle if reserved as a watering place for them, the tree growth may be auctioned before the Panchayat is actually put into possession of the plots. It has sent a resolution consenting to this.

(5) Having answered the questions as above, I would now, in

B this connection, submit that it has since come to light that the request by the Village Panchayat of Ajjavar for handing over the tank to it to be used as a 'watering place' for cattle is not bona fide and that it has been engineered by one Aithappa Rai (President of the Panchayat, Sullia village) who is the brother-in-law of Kariappa Rai, President of the Panchayat of the village in question (Ajjavar), for the benefit of the owner of S.No. 178/1 who is the mother of the former President in that, if the tank is handed over to the Panchayat, the owner of S.No.178/1 need not have to pay any licence fee for taking water by the channel passing through a forest block to S.No.178/1 This view seems to gain support from the fact that the 'tank' in question is reported to be only a pond of 25 links by 20 links and to contain no water in the dry weather. Besides, within half a mile of the spot there are said to be a river and two streams with water in them right through the year. In view of this, I do not recommend the transfer of control of the 'tank' and suggest that the proposal may be negatived.

Endorsement.--

Submitted to Government with reference to their memorandum No.1866 B/32-1, dated 7th July 1932.

2. In the circumstances now stated by the Collector in paragraph 5 of his letter, the Board agrees with him and recommends that the proposal to hand over the tank to the Panchayat may be negatived.

C 3. As the land has been disreserved under a misapprehension, the Board considers that it should be retransferred to the Forest Department.

4. In paragraph 3 of their memorandum, Government wish

to know whether the tank will not automatically vest in the panchayat on disreservation. The 'tank' is also used for irrigation, though it is not a registered source; there are no recognised sources of irrigation in South Kanara as there are in the majority of the districts of the Presidency. No change in the existing law was contemplated when section 126(1) and (2) of the Madras Local Boards Act was inserted by the Madras Act XI of 1930. The Board therefore submits that tanks used for irrigation as well as for other purposes cannot automatically vest in the local body.

A. Krishnaswami
Secretary.
13.9.32.

To the Secretary to Government, Revenue Department. with two statements + a statement

M.D. 13—9
K.K-S.M.A.-13-9.

K. F. XVII-26—251,628—3-1-28.

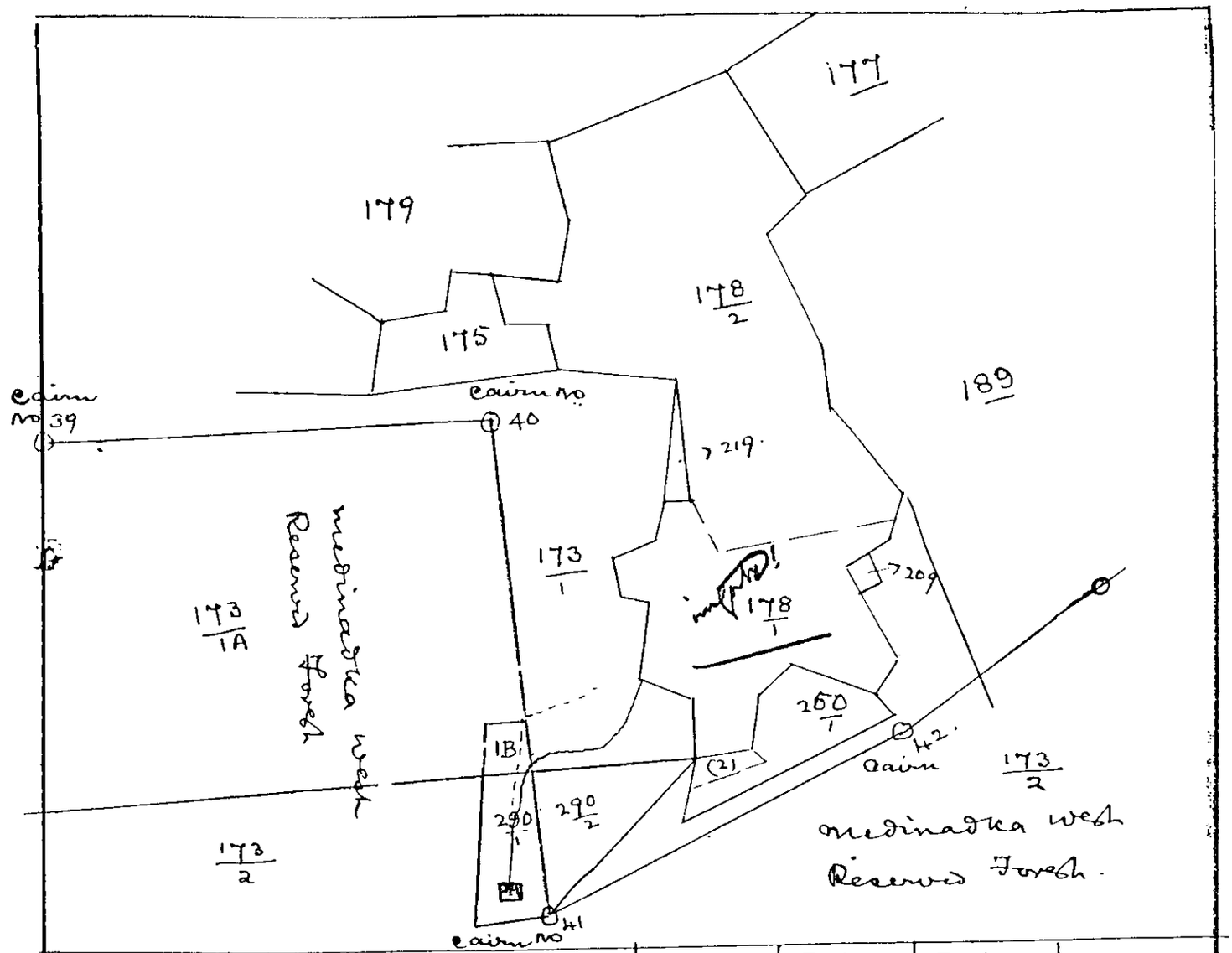
15

District South Kanara

Taluk Puttur Eoyesketch

Village { No 132
Name Ajjavar

Field No 173 & 290 Area Acres.



S.No. and Subdivn No.			Particulars	Whether the field is Mulgeni	Whether Kadim or Hosagane	Whether there is Bane right	Remarks
1			2	3	4	5	6
173	1A & 2		Government land - assessed waste. Included within Medinadka West R.F. also.				
178	1.2.3	33	Padu	—	Kadim 18	yes	
209	..				Hosagane	no	
219	..						
250	2						
173	1B		Plots excluded from the Medinadka West R.F. for transfer of control thereon to the Village Panchayat Board Ajjavar				
290	1						
290	2		Government waste.				
290	1		□ Site of the abandoned Tank.				
			natural rain water channel.				
			artificial channel.				

Scale 1/5 inch = One Chain

Recd 6/5/32 Tahsildar

P. V. Andrade
Rev Inspector Bellia
2.5.32

R. F. XVII-26—261,628—3-1-28.

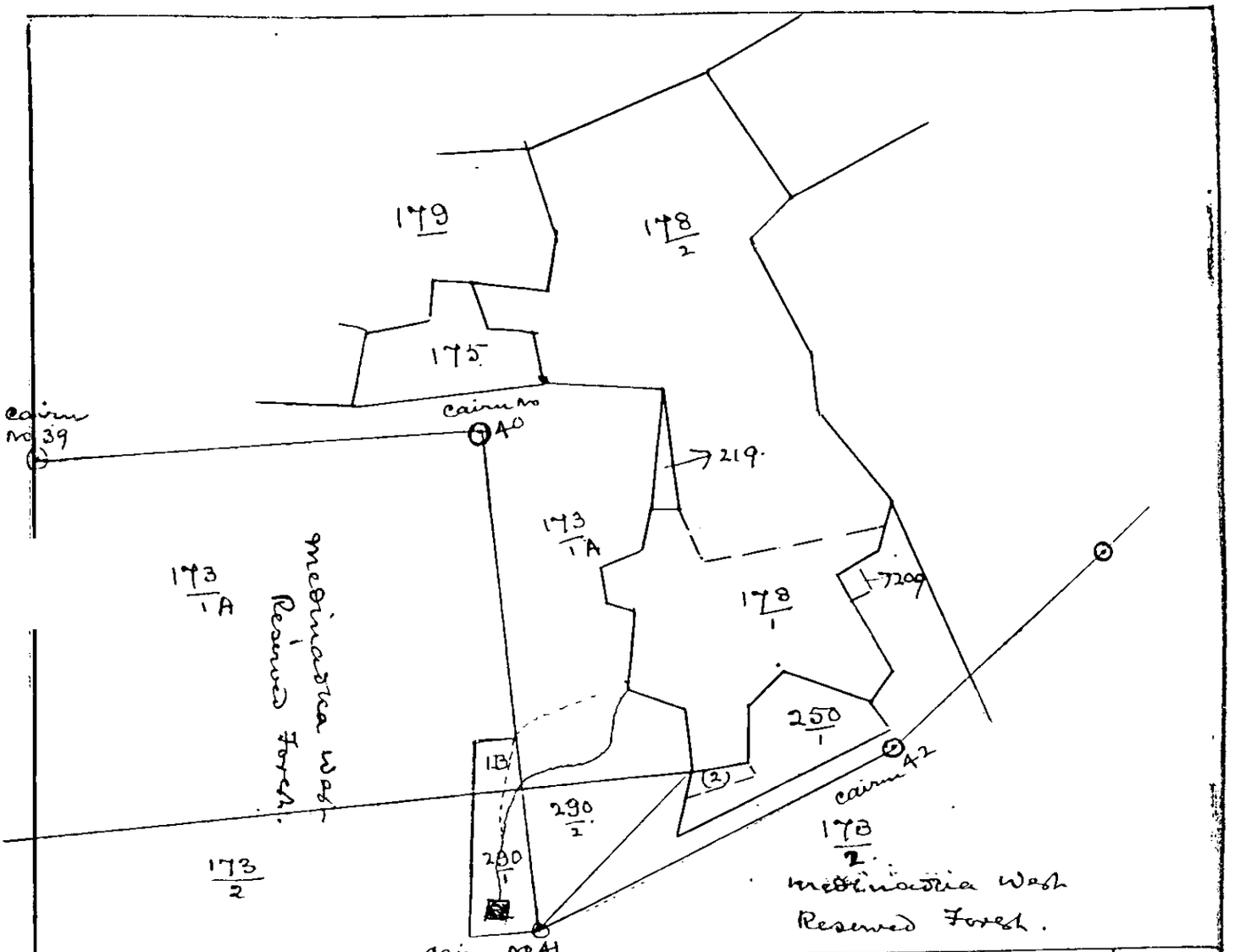
17

District Salem Kanara

Taluk Puttur Eryeskatch

Village { No 132
Name Ajjavar

Field No 173 & 290 Area Acres.



S.No. and Subdivn No.			Particulars	Whether tree pest is malgani	Whether Kadim or Hosagane	Whether there is Bane right	Remarks
1			2	3	4	5	6
173	1A & 2		Government land - assessed waste Wash R.F. also		included in suki 18	mini medinadka yes	
178	1.2.3.	33	Padua	—	Hosagane	no.	
209	..						
219	..						
250	2						
173	1B		Plots excluded from the Medinadka Wash R.F. for transfer of control thereon to the Village Panchayath Board Ajjavar				
290	1						
290	2		Government waste				
290	1		□ Site of the abandoned Tank				
			natural rain water channel.				
			artificial channel.				

Scale 1/5 inch=One Chain

Taken

24/5/32

P. J. Hendreade
Rev Asstt Surveyor
2-5-32

19 List showing the particulars of tree growth existing in S.No $\frac{173}{1B}$ & $\frac{290}{1}$ of Ajjaonar Village excluded from the medinaroka west R.F., and its value.

S.No $\frac{173}{1B}$

1 mango between 3 & 4 ft girth – 3/4 cart load @ Rs 2/- per cft — Rs 1-8-0

1 Tirwa – 6'+28" – 2-04 cft @ 3as per cft — Rs 0-6-1

Jack trees 10'+60" – 15-62 cft
14'+68" – 28-09 "
20'+80" – 55-55 "
99-26 @ 4as per cft — Rs 24-13-0

1 Kasarka above 2ft girth @ Re 1/- each — Re 1-0-0

Anaun – 6'+26" – 1-76 cft @ 6 pies per cft — Rs 0-0-11

Jungle wood trees above 2ft girth:
1 Sarali above 2ft – 1/4 cl
1 chere — do — 1 cl
@ 8as per cl. — Rs 0-10-0

Total Rs. 28-6-0

S.No $\frac{290}{1}$

5 Kasarka trees above 2 ft girth @ Re 1/- each – Rs 5-0-0

Banapu trees – 14'+66" – 26-46 cft
10'+58" – 14-60 "
41-06 @ 4as per cft — Rs 10-4-3

mamra trees – 12'+64" – 24-88 cft
6'+37" – 3-56 "
28-44 @ 2as per cft — Rs 3-8-11

Anaun trees – 6'+32" – 2-66 cft
10'+30" – 3-90 "
6-56 @ 6 pies per cft — Rs 0-3-3

Pulibagi – 10'+39" – 6-60 cft @ 1 anna per cft – Rs 0-6-7

Jungle wood trees above 2ft girth
2 Purli — 1 1/2 cls
2 Sarali — 1 cl
5 chere — 4 cls
@ 8as per cl — Rs 3-4-0

Total Rs 22-11-0

D.F.O. 1-1-0

P. Fernandes
R.F. Sulia
2.5.32

21

11.
1/12

Rev Dept.

Ord. No. 2221 J/32-1 Dy. 30-9-32

Forests - South Kanara - Puttur taluk - Medinadka West reserved forest - portion disreserved in G.O. No. 161 dtd. Dy 4-2-32 - re-reservation.

(A) In G.O. No. 161 dtd. Dy 4-2-1932, the Govt. Sanctioned the disreservation of 1.20 acres of ~~land~~ land in the Medinadka West Reserved forest in the South Kanara district. When Submitting proposals for the disreservation of the area in question the C.C. reported that the old tank which it contained, if repaired, would be a useful source of water and would benefit the villagers immensely. It was also stated that the Village Panchayat had requested that the control of the tank might be transferred to ~~the Panchayat~~ the Collector of South

(A) para 2 of the G.O. No. 161 dtd 4-2-32

Karara originally reported that the intention of the Panchayat in applying for the transfer of control was to provide drinking water for the cattle coming to graze in the Medinad Kalvet reserve from Djiguy village and to supply water for the cultivation of S.No. 178 of Djiguy village held by one Pachy. He however now stated that the request of the Panchayat for sanding over the tank to it to be used as a 'watering place' for cattle was not bona fide and that it was engineered by the President of the Panchayat, Sullia Village, with a view to get the water necessary for the cultivation of Survey field No. 178/1, ~~the area of which is adjacent to his~~ without paying licence fees. He therefore recommends that the tank in question should not be handed over to the Panchayat. The Board of Rev. while agreeing with

para 12 C.F.

para 5 on pp. 12-13 C.F.

23

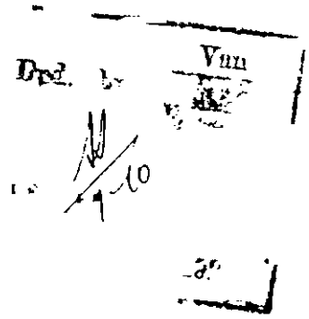
the Collector has observed that as the area in question was disreserved under a misapprehension it should be retransferred to the Forest Dept. In the circumstances the C-C. is requested to state whether it is worth while to ~~dis~~ re-reserve the area in question or whether it may be retained under the control of the Rev. Dept. as ~~pro~~ proposed.

para 3 of the Govt. order No 13 C.F.

RR
30/9/-

To
The C.P.

28/9/32



Dev. 2463-I
29-10-32

C.F. 30.

Forest **DEPARTMENT.**

Received ..... 19 *Registered* 19

Subject.

Forests - South Kanara - Puttur Taluk - Medinadka West Reserved Forest - portion disreserved in G.O.No.161 Development, dated 4-2-1932 - rereservation.

(A)

ENCLOSURES.
No. .....
.....
Spare copies ...

Reference No. 8671/32/D3

Station Chepauk, Madras, *Dated the* 21st October 1932.

From (Name) R.D.Richmond Esq., C.I.E., I.F.S.,

(Designation) Chief Conservator of Forests.

To The Secretary to the Government of Madras,

DEVELOPMENT Department.

H 21-3 and Department.

Sir,

Reference:- Government Memorandum No.2221-1/32-1, dated 30-9-1932.

--

The only safe way is to reserve the area again under sections 4 and 16 of the Madras Forest Act and this can be done without much trouble. It will also give a better boundary if this is done. The District Forest Officer has been instructed to submit proposals at an early date.

25.10.32

for Chief Conservator.

25.X.32

Dev

D.32 I

4-1-33.

C.F. 31

REVENUE **DEPARTMENT.**

CURRENT No. 4326 B

Received 21 DEC 1932 19 Registered 21.12.32 19

ASSISTANT SECRETARY TO GOVERNMENT 3 JAN 1933 DEVELOPMENT DEPARTMENT.

Subject.

Tanks - (South Kanara) - Puttur taluk - Ajjavar village - S.Nos. 173/1 and 290/1 - Transfer to the village panchayat - Proposal.

Rev. o.r.o 4326 B/32 21/12/32

Reference No. H.7673/32-1

Station Madras. Dated the 19th December 1932.

ENCLOSURES.

No.

Spare copies

From

A.R. MacEwen Esq., M.C., I.C.S.,
Secretary,
Land Revenue. &
The Board of Revenue, ~~Revenue Settlement, etc.~~
~~Separate Revenue~~

C.A. Souter Esq., I.C.S.,
Commr. of Land Rev. & Sett.-

Resolution Reference.

Read the following:-

I Memorandum from Government, Revenue Department, No.1866-B/32-1, dated 7-7-32.

II. Letter from E.M. Gawne Esq., I.C.S., Collector of South Kanara, No. Ref. C.549/32-A6, dated 9-12-1932.

REFERENCE.

2. The Board solicits the orders of the Government on its Endorsement H.3482/32 dated 12-9-1932.

for Secretary.

To the Collector of South Kanara - para. 1.

" Secretary to Government, Revenue Department - para. 2

v.c/19.12.

29

Dev. Dept.

C. No. 2574 I.

Memo. No 2574 I/32-1 dt 6.1.33

From the Bd. of Rev. Rf.

R.26 c f. No. H. 7673/32-1 dt 19.12.32-

Tanks :- (South Kanara)

Puttur Taluk - Ajjavar village.

Transfer to the village Pan-

chayat.

The Board of Revenue is informed that ~~The D.F.O. has been~~ vide p.25 c.f. ~~instructed by the C.C. to~~ ~~submit~~ proposals for the reservation of the area again under Sections 4 and 16 of the ~~old~~ Madras Forest Act. ~~In reply to~~ (have been called for from the CC) a reminder the C.C is awaiting proposals from the ~~dated on 15.12.32 it~~ ~~that the D.F.O's proposals had not been received and that he had been reminded~~ Orders will issue ~~only after the~~ on receipt of the C.C's proposals

placed below

DS 9/1

To the Bd. of Rev (L.R+S).

5.1.33 5.1.33 RR 6.1.33

Des. 786-I
25-3-33

C.F. 30.

FOREST DEPARTMENT.

Received 19 *Registered* 19

Subject.

FORESTS - SOUTH KANARA - MEDINADKA WEST RESERVED FOREST PORTION - DISRESERVED IN G.O.No. 161 DEVELOPMENT, DATED 4-2-1932 REGARDING RESERVATION.

(A)

ENCLOSURES.
No. 4.
Draft Notn in duplicate
Sketch
Area statement
Ayacut statement
Exchange reminder

Ref. No. 8671/32.D3.

Station Madras, *Dated the* 22nd March 1933

From (Name) A. Wimbush Esq., I.F.S.

(Designation) Chief Conservator of Forests.

To The Secretary to the Government of Madras,

Development Department.

Sir,

In continuation of this office Reference No. 8671/32.D3, dated 21-10-1932, I submit a draft notification under Section 4 of the Madras Forest Act (V of 1882) for the reservation of the area disreserved in G.O. No. 161, Development, dated 4-2-1932, for approval and publication in the Fort Saint George Gazette.

p. 25 ante
pp 30-31 brkt

(A)

29

2. The Superintendent, Government Press, may be directed to supply to this office two copies of the notification on publication.

24. 3. 33

for Chief Conservator.

24.3.33.

ks.24.3.33.

24.3.33

Notification.

Under the provisions of Section 4 of the Madras Forest Act (V of 1882), the Governor in Council hereby declares that it is proposed to reconstitute the area (disreserved in Development Department Notification No.28, dated 16th January 1932 and published at page 205 of Part I of the Fort Saint George Gazette dated 26-1-1932) the boundaries of which are described in the schedule below as Reserved Forest under the said Act:-

Schedule

South Kanara District, Puttur Taluk,

No.132, Ajjavar village

Name of the block: Medinadka West Extension No.II.

Boundaries.

South. Starting from cairn No.41 of the north boundary of the Medinadka West Reserved Forest (notified under Section 16 of the Act in Rev. Dept notification No.68, dated 9-2-1907 published at pages 160 to 169 of Part I of the Fort St. George Gazette dated 12-2-1907) a straight line with a bearing of 277° for distance of 237 links;

West. Thence a straight line with a bearing of 10° for a distance of 636 links;

North. Thence a straight line with a bearing of 95° for a distance of 140 links.

East. Thence a straight line with a bearing of 182° for a distance of 635 links to the starting point.

2. Under clause (c) of the said Section 4, the Governor in Council appoints the Revenue Divisional Officer Puttur, for the time being to be the Forest Settlement Officer in regard to the said tract to enquire into and determine the existence, nature and extent of any rights claimed by, or

alleged to exist in favour of, any person in or over the land comprised within the limits given in the said schedule or to any forest produce of such land and to deal with the same as provided in Chapter II of the said Act.

3. The Governor in Council appoints the District Forest Officer, South Mangalore for the time being to be the Forest Officer who shall attend on behalf of Government at the enquiry to be made by the said Forest Settlement Officer.

4. Under the authority vested in him by Seption 14 of the said Act, the Governor in Council appoints the Collector of South Kanara to hear appeals from any orders passed by the Forest Settlement Officer, under Sections 11,12 and 13 of the said Act.

***

ks.24.3.33.

Ayacut statement

Name of Taluk	Name of village and total area	Area of poramboke village sites roads etc	Area under cultivation	Area included in sanctioned reserved forests	Area now proposed for reservation	Balance of waste			Remarks
						Assessed	Unassessed	Total	
					acres				
Kartur	No.13. Ajjavar 6028.63 acres	1875.00	931.65	1907.01	1.20	113.77	1200	1313.77	

Mangalore
27-2-33

W.P.V.Davis

District Forest Officer
South Mangalore.

/ True copy/
By Order

T. Narayana Nayak
Head Clerk. 1.3.33

Statement of area and condition to accompany draft notification under section $\frac{4}{1c}$ for the undermentioned block. B.F. XXIIE—67—4-4-12.

Name and area of taluk.	Extent of Government land in the taluk.		Area of reserves already notified under sections 16 and 25.	Area of reserves under settlement.	Area of reserves already submitted for notification under section 16.	Area of reserves already submitted for notification under section 4	Character of lands now proposed for reservation.				Area of land	Sketch map.
	Occupied.	Unoccupied.					Block.	Area.	How much forest.	How much grass.		
	Acres.	Acres.	Acres.	Acres	Acres	Acres.		Acres.	Acres.	Acres.		
P u t t u r 793165 acres	148,116	478,348	2,29,421	Nil	Nil	Nil	Pedinadka West Extension No.II	1.20	1.20		2557 acres enclosed	

S/c Collector's Office,
Forest Branch, Sou
Dated 27. 2 193

Description of growth

The plot contains timber trees scattered here and there with a tank in it.

True copy
By Order
T. Narayana Nayak
Field Clerk.
1.3.33

Sd. P. V. Davis
District Forest-officer.

Development Dept.

6/11-4

C.No. 2574 I.

Memo No 2574 I/32-3 dt. 10.4.33

The S. Gr. P. is requested to publish the appended notification in the next issue of the Fort St. George Gazette and the South Kanara District Gazette and to furnish the C.F. and this Dept. each with two Copies of the notification.

29.3.33.

To the S. Gr. P.

Appendix

H.E. pp 30 - 31 C.J

NOTIFICATION.

Fort St. George, April 10, 1933.

No. 130.—Under the provisions of section 4 of the Madras Forest Act (V of 1882), the Governor in Council hereby declares that it is proposed to reconstitute the area (disreserved in Development Department Notification No. 28, dated 16th January 1932, and published at page 205 of Part I of the *Fort St. George Gazette*, dated 26th January 1932), the boundaries of which are described in the schedule below as reserved forest under the said Act :—

SCHEDULE.

South Kanara district, Puttur taluk,
No. 132. *Ajjavar village.*

(Name of the block—Medinadka West Extension No. II.)

BOUNDARIES.

South.—Starting from cairn No. 41 of the north boundary of the Medinadka West Reserved Forest (notified under section 16 of the Act in Revenue Department Notification No. 68, dated 9th February 1907, published at pages 160 to 169 of Part I of the *Fort St. George Gazette*, dated 12th February 1907), a straight line with a bearing of 277° for a distance of 237 links ;

West.—Thence a straight line with a bearing of 10° for a distance of 636 links ;

North.—Thence a straight line with a bearing of 95° for a distance of 140 links ;

East.—Thence a straight line with a bearing of 182° for a distance of 635 links to the starting point.

2. Under clause (c) of the said section 4, the Governor in Council appoints the Revenue Divisional Officer, Puttur, for the time being to be the Forest Settlement Officer in regard to the said tract to enquire into and determine the existence, nature and extent of any rights claimed by, or alleged to exist in favour of, any person in or over the land comprised within the limits given in the said schedule or to any forest produce of such land and to deal with the same as provided in Chapter II of the said Act.

3. The Governor in Council appoints the District Forest Officer, South Mangalore, for the time being to be the Forest officer, who shall attend on behalf of Government at the enquiry to be made by the said Forest Settlement Officer.

4. Under the authority vested in him by section 14 of the said Act, the Governor in Council appoints the Collector of South Kanara to hear appeals from any orders passed by the Forest Settlement Officer, under sections 11, 12 and 13 of the said Act.

S. H. SLATER,
Secretary to Government.

29

NOTIFICATION.

Fort St. George, April 10, 1933.

No. 130.—Under the provisions of section 4 of the Madras Forest Act (V of 1882), the Governor in Council hereby declares that it is proposed to reconstitute the area (disreserved in Development Department Notification No. 28, dated 16th January 1932, and published at page 205 of Part I of the *Fort St. George Gazette*, dated 26th January 1932), the boundaries of which are described in the schedule below as reserved forest under the said Act :—

SCHEDULE.

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No. 132. *Ajjavar village.*

(Name of the block—Medinadka West Extension No. II.)

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3. The Governor in Council appoints the District Forest Officer, South Mangalore, for the time being to be the Forest officer, who shall attend on behalf of Government at the enquiry to be made by the said Forest Settlement Officer.

4. Under the authority vested in him by section 14 of the said Act, the Governor in Council appoints the Collector of South Kanara to hear appeals from any orders passed by the Forest Settlement Officer, under sections 11, 12 and 13 of the said Act.

S. H. SLATER,
Secretary to Government.

Revenue Department.

(Cno. 1866B/32)

Irrigation- (South Kanara)- Puttur taluk- Ajjavar village Tank- Transfer to the Village Panchayat-Proposals

From the Board of Rev.L.R.& S, Endt.No. H.201/32 dated 2.6.32.

To A.S.

In his Reference No.10789/D3/31 dated 17-12-31, the Chief Conservator of Forests recommended the disreservation of a portion of Medinadka reserved forest in Puttur taluk, South Kanara district, which contained an old tank and channel irrigating the adjoining lands and stated that the Village Panchayat desired the transfer of the tank to its control. The disreservation was accordingly sanctioned in G.O.No.161 Dev. dated 4.2.32. The Collector has now submitted proposals for the transfer of the control of the tank to the village panchayat for the purpose of providing drinking water to the cattle coming to graze in the adjoining forest and for supplying water for cultivation of S.No.178 of Ajjavar village. Under section 65-B of the Madras Local Boards Act 1920 as amended by Act XI of 1930, the protection and maintenance of any village irrigation work, the management of turns of irrigation or the regulation of the distribution of water from any irrigation work to the fields depending on it are transferred to village panchayats subject to the conditions prescribed in G.O.No.2129 Rev., dated 14-12-26. There is no definite information in the file whether the transfer is to be made under section 65-B of the Local Boards Act. A special set of conditions have been proposed in the present case and the need for the special conditions has not been explained. It has also not been stated what the ayacut of the tank is and whether the ayacutdars under the tank have agreed to the transfer. It is for orders whether the

f2- 41

Board may be asked to report on these points. Subject to approval a draft Memo. is submitted.

not necessary
Of

KRS
21.6.32

Are there any irrigation works minor or major in the South Kanara Dt.?

Of
22.6.32

To A.S.

Submitted that there are no (X) minor or major irrigation works in the South Kanara district. Attention is in this connection invited to the note at 'A' on p. 32 of G.O. No. 1000 S dated 23.3.29 (D)

(X) Dist Jt. Dr works in charge of Rly + P.W.D were looked into and P.W.D Dept was consulted

CRS
2.6.32

It would appear therefore that this tank is not a recognized source of irrigation on which Govt have been spending any money so far for maintenance. There will not be any expenditure under the tank The conditions laid down in G.O. No. 2129 Rev. dt. 14.12.28 (J) are not suitable to such cases

The tank is intended to provide mainly drinking water for cattle Incidentally it appears that it will supply water a single field — to S.No. 178 of Agjavar The

para 2 on p 2 ante

S 42

proposal is in essence grant of land subject to certain conditions. The Board's recommendation may be accepted.

Dy

(11)

Z 0 5 /1

Condition (1) in effect requires the Panchayat to supply water for the irrigation of S No. 178/1 presumably after collecting a charge. This seems to be something quite different from the management of irrigation Sources contemplated in section 65-B of the M.C.B. Act. There is perhaps no objection to the Panchayat deriving any income by supplying water for irrigation, but I submit that if Govt recognise the right of Panchayat to get water from the tank, the conditions on which he should get water should be specified. The Board may be called to report

1) whether S.No 178/1 has been irrigated from the tank in the first kisi so far how many years

2) whether any charge has been levied

3) Whether the Panchayat proposes to make any charge for the irrigation & if so how much

& 4) why Govt should recognise Panchayat's

Para 2 (1) sub-s 2 of

No-dues condition (5) Extract-at (c)

This is not important

See condition (5) for

regards to give water & whether it would not be sufficient to say "the Panchayat may derive an income by supplying water from the tank for the irrigation of S.No. 178/1." leaving it to Panchayat to enter into any agreement with the Panchayat for the purpose.

2. The tank is to be mainly used for providing drinking water for the cattle. It is desirable not to cut down the trees on the bund. If sanctioned it is almost certain that [illegible] the amount realised will not be the estimated value (Rs 51-1-0) [illegible]. The Board may be asked to report whether a suitable condition regarding the use of the trees may not be imposed on the trees allowed to remain on the bund.

Transfer

This may be sent to the Board. Pr. C. 9.5.

Pr. C. 9.5.

23.6.32

S

Mr. C.E. & Mr. Rao the Tank was Constructed by Village Panchayat for irrigation purposes. Now it appears it would be the Village Panchayat primarily apparently as an irrigation source.

But now the Panchayat wants the Tank as a watering place for cattle. Pachu's land (178/1 apparently between 2 or 3 ac.) is to be irrigated. But that seems to be merely a recognition of the existing practice.

[illegible] cannot be called ... in ... multiply the meaning ... Rs. 6-8-0 ... unless water-cess has been charged ... doubled. Even up the rules about water-cess charges ... taken from ... reserves ... forests, and include this detail ... with the draft to the Board.

... the Panchayat ... handed over to the ... it shall be as a watering-source for cattle. No ... shall be made ... Panchayat ... there shall be a general clause similar to condition (11) in ... ; protecting all customary rights of irrigation ... any case ... Panchayat cannot ... be claimed ... watering if he has been using the water ... irrigation

3. See whether any specific order is required ... the Panchayat is to be handed over merely ... watering cattle. Does it not automatically vest in the Panchayats as ... ?

VS 27/6

TO A.S.

Under para. 3 of G.O. No. 2067 Rev. D 9.10.29 no diversion or use of water in reserved forests is permissible except under a licence. Clause 2 of the form of licence prescribed for this purpose requires that the rate of water-cess prescribed by rules made under the Madras Irrigation Cess Act should.

Asec. K
Draft
2: 2 Sects not for Actions
M 28/6
A to P.A. D.10.29
(9)
(6) p. 9

be paid on the extent irrigated: The standard rate of water-cess prescribed in note (2) to Appx I-A to B.S.O. No. 4 (2) are applicable to water taken for irrigation from reserved forests. Vide in this connection Asst. Secy's note at para 11 on p. 10 of G.O. 2067 Rev. dt 9.10.29 and answers to questions 1-3 on p. 2 of note to G.O. 31 Rev dated 7.1.30 and draft memo to the Board is submitted for approval.

p. 121 of BSO Vol I Rev. Ed.

(9)

(T)

KRS. 30.6.32

Portion A of Secy's order on p 5 ante:

Under Section 126 (ii) of the Madras Local Boards Act as amended by Act XI of 1930, every panchayat shall have control of all waterways in the village other than waterways which are, or are connected with works of irrigation not being private property and not being specially excepted by any order of the Local Govt. or of the district board. It would appear from the above section that the tank, if it is not an irrigation source or a private property, vests automatically in the panchayat and no specific order seems necessary if the tank is to be handed over merely for watering cattle.

Recd 4/7

p 82 of Rev proceedings

I think § 126 (i) more applicable than § 126 (ii)

Q

But is a tank a 'waterway'? I doubt it. A channel may be a waterway but not a tank.

Q

(J)

Go. No. 899 Rev./26-3-31 seems to answer Secy's query at A on p 5 ante better than the Act. The point also

Recd 27/7/32

Sn 27/7/32

with the Amended B Act

→ 46

may perhaps be put to the Board
Revised draft for approval.

4.7.32 — 5.7.32

Mo 5/7

122. Cs. regards (J). I fancy that there are later orders Cclrs. were required to draw up lists of tanks vesting in local boards. (I remember a controversy with the Dhanmarpur T.B. which came up to Govt. while I was Cclr. Tanjore)

G.O. No. 2446 Rev
23-12-30
(W)

JR 5/7.

Wh 7-9 Cf. Memo. to the Rev. of Rev. 122. 1866 B/32-1 dt 1.7.32

To A.S.

Para 2 of Secy's remarks above.

Probably the Secy. has in mind

(P) G.O. 132 Rev. dt. 26.1.1927 in which the President of each Local Board was asked to prepare a list of tanks etc vested in his Board. It will be seen from the G.O.

(P) ibid that it relates to transfer of control over all trees standing in the beds & bunds of tanks vested in Local Boards. G.O. 8996

(J) dt 26.3.17 contains the latest orders on the subject

Await TBO's reply

5/7/32

14/7/32
8/7/1932

~~8~~ 47

From the Rd offices (L.R.O.) Endt A 3482/32 of 12.9.32 ~ W11-14

TO A.S

For orders whether in the circumstances stated by the Collector in para 5 of his letter on pf 12-13 CF, the Govt will agree with the Board that the land should be re-transferred to the Forest Dept. Dev may be requested to state whether it sees any objection to the proposal, and to take the necessary steps to reserve the land again, if necessary

Para 3 of Endt on p. 13 CF

23.9.32

21.9.32 Para 4 of the Rd's Endt at pp 13-14 CF

Paragraph F ~~E~~ (Para 4 of Rd's Endt)

It is now reported that the tanks in question is used for irrigation. The Board's conclusion at A on p 14 CF that such a tank cannot automatically vest in the local body seems to be correct in view of the orders contained in G.O. 899 Rev. dt 26.3.19 17 according to which tanks used for irrigation are ~~vested~~ not vested in local bodies.

p 14 CF

p 2 of (J)

26.9.32

23.9.32 26.9.32

20.9.32 S

20.9.32

S

✓ Whether there was something fishy about this. The Govt may be re-reserved, perhaps. If this is not worth while — and perhaps it

reserved - the land can be kept as proposed and not handed over to the V. Panchayat.

[illegible]
Dev.
L.S.G.

Re 4-OWo 1866/B32-2
679

Dev Dept.

DW | 2221-I
27-9-32

To A.S.

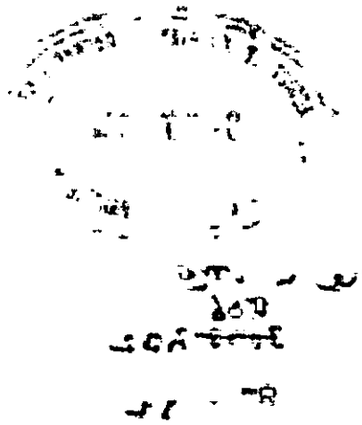
Please see ~~para~~ para 3 of the Board's Endt. on f/15 C.F. and the Rev. Dept. notes on ff 8-9 ante. The C.C. may be consulted as to whether it is worthwhile to re-reserve the area in question. A draft Ord. is submitted for approval.

It is perhaps not worthwhile reserving the land again. The C.C may however be consulted. Some one.

28/9/32

RL
30/9/32

To A.S.



Please see the C.C's letter on f/ 25 C.F. He considers it better to reserve the land again and has asked the D.F.O. to submit proposals for reservation. The C.C's proposals for reservation may be awaited. This file may now be sent to Rev. through L.S.G. Rev. may be requested to transfer this file f to

49

to this Dept. for further disposal

RK
31.10.32

31.10.32
Cu
31.10.32

S
1/11

LSG.
Rev.

No. 2221 / 32-2
11-32

LSG (AH) Dept

The file may be perused and passed on to Rev. Dept.

LSG
31/11/32.

AHD
3/11

4/11/32

Rev.

LSG No 4902/LSG/II
4.11.32

Rev Dept

Rev 3668/B

The file may be transferred to Dev
- in A above

5.11.32
W.S. /S

7.11.32
S.

Dev.

Rev 4-OTC
1866
3668/32
8/11/32

Dev. 2574-I
9-11-32

11 50

Secy. Dept.

To A.S. +

Submitted for perusal. The C.C's proposals for the reservation of the area in question may be awaited till 10-12-32.

7/11

6/11-32.

[Refee from the Bd of Rev No. H. 763/32-1 dt 19/3

Encl. 107232

Encl 1-12-32.

To A.S.

Please see the reference from the Bd on p. 2/6 c.f. Reservation proposals have not yet been received from the C.C. In reply to a reminder, the C.C. stated on 15.12.32. that he has reminded the D.F.O. for the proposal. The C.C. will be reminded again on 5.2.32, if his proposals are not received by then. The receipt of the proposals may be awaited.

placed below

4.1.33.

4.1.33

The Board may be informed of the forgoing position. Draft on p. 11.

5.1.33

P.T.O.

~~FE~~ 51

To A.S.

Please see the draft below.

5.7.33 5/7/33 6.7.33 Issue

[Issued as Memo. No. 2574-I/32-1861.33 fp. 27 c.y.
Letter from the C.F. No. 8671/32-D3B, 22.3.33 fp. 28-29 c.y.

To A.S.

The C.C. has now submitted a draft notification under section 4 fp. 30-31 c.y. of the Forest Act. It may be approved and published in the Gazette. A draft Memo. to the S. G. P. is submitted for approval. It may be sent to Revenue for acceptance before circulation.

29.3.33 30/3/33 31.3.33 S.

SW 2/4

Rw. —

SECRETARY TO GOVERNMENT 4-APR 1933 REVENUE DEPARTMENT

No. 2574-I/33-1
3.4.33

Rw 1277.B
4.4.33

Accepted
3.4.33

Des. 863-I 3/4
4.4.33

Rw
Des

1277 B 33-1
3/4/33

ASSISTANT SECRETARY TO GOVERNMENT 4-APR 1933 DEVELOPMENT DEPARTMENT

May be circulated
5/4/33 S.

SW 5/4

6.4.33

~~13~~ 52

TOA:-

The notification having been published in the Gazette a draft order is submitted for approval.

24.4.33 Fair - 24483

26.4.33 S.

Sec 27/4

Sectt. II-5(a)—50,606—5-11-29.

53

For. DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied ..		
When examined ..		
When signed ..		
When despatched ..		

For.

Reservation – South Kanara Medinadka West reserved forest – portion disreserved in Go. No. 161 dev. dy 4-2-33 –. Section 4 notifn – published.

(A)

READ AGAIN G.O. No. 161 dev., dated 4 — 2 — 1932

" " " " " " 19

READ ALSO :—

M 21-33 G.f. No. From the On. to the C.C., No. 222 D, dated 30-9- 1932.

Lr. ref. 4631/2 " C.C. Rly No. 8871/32-D3 dy 21-10-32.

M 28-33 G.f. 7861/33 " " " Rly No. 8871/32-D3 dy 2-3-1933.

" " " " " " 19

ORDER.

No. 503, dated 29 4 1933.

M.S.

(A)

In Go. No. 161 dev. dy 4-2-1932, the Govt. Sanctioned the disreservation of 1·20 acres of land in the Medinadka West Reserved Forest in the South Kanara Dt. When submitting proposals for the disreservation of this area, the Chief Conservator stated that the old tank which it contained, if repaired, would be a useful source of water supply and would benefit the villagers immensely. It was also

(A)

para 2 on M 1-33 Go. 161 4-2-32

stated that the village Panchayat had requested that the control of the tank might be transferred to it. ~~The existence~~

The intention of the Panchayat in applying for the transfer of control was, according to the President of the Panchayat, to provide drinking water for the cattle coming to graze in the Medinadka with Reserve from Ajjavara village and to supply water for the cultivation of S.No. 178 of Ajjavara village. It was subsequently brought to the notice of the Court that the alleged intention of the Panchayat to use the tank as a watering place for cattle was not ~~bona fide~~ genuine and that the proposal was engineered by interested persons, with a view to getting the water necessary for the irrigation of Survey Field No. 178/1 without paying licence fees. As the dispossession of the area in question

'A' on page ref.

'B' on page 13 ref.

~~3~~ 57

'C' on 113 C.F.

was sanctioned under a misapprehension, the Board of Rev suggested that the area might be retransferred to the Forest Deptt. The C.C. also ~~has~~ supported the

2 on 21 C.F.

proposal to reserve the area under the provisions of the Forest Act and

'M' 30-31 C.F.

submitted a draft notification under Section 4 of the Act

The Govt have approved the proposal to reserve the area afsh and have accordingly

~~The draft notification submitted by the C.C. has been approved, and published~~
the draft notn. was published by the C.C. It has been with Rev. Deptt. Notification No. 130 of 10-4-33 at pages 619-620 of Part I of the Fort St George Gazette of 18-4-33.

RC
26.4.33

To

The C.C. (with sketch retd)
" Rev. Deptt. ✓
" Law (Defg) Deptt. /
Board of Rev. (KRS) /

26/4/33.

Secy 27/4

Dy 4/5